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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-203204

August 25, 1981

The Honorable Wyche Fowler, Jr.
Member, United States
House of Representatives
Suite 425, William-Oliver Building
32 Peachtree Street
Atlanta, Georgia 30303

Dear Mr. Fowler:

Reference is made to your letter dated June 8, 1981, enclosing for our consideration and report a copy of a letter and material from Mr. Robert W. Schwab III, concerning his entitlement to be reimbursed for the loss of his personal property in Vietnam following the fall of Saigon in 1975.

It appears that the Department of the Navy--his employer at that time--disallowed his claim for the reason that he failed to file a written claim with them within 2 years of the date of the loss, as required by the provisions of 31 U.S.C. 241(c). In his recent correspondence with us Mr. Schwab requests that we report the matter to Congress as a meritorious claim under the provisions of the Meritorious Claims Act, 31 U.S.C. 236 (1976).

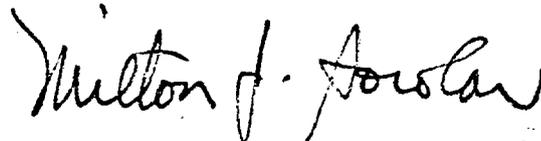
By decision B-203204, July 24, 1981, copy enclosed, we advised Mr. Schwab the provisions of the Meritorious Claims Act only apply to claims which come within the settlement jurisdiction of this Office. The provision under which Government employees' claims for loss of personal property are settled (31 U.S.C. 240-243), vests exclusive settlement jurisdiction in the Secretary of the Department concerned and make such settlements final and conclusive. Since we have no authority to settle or review the settlement of a Navy employee's personal property claim under these provisions, we do not view Mr. Schwab's claim as appropriate for us to report as a meritorious claim under 31 U.S.C. 236.

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We trust this will serve the purpose of your inquiry and regret a more favorable reply cannot be made. We are returning Mr. Schwab's correspondence to you.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Fowler". The signature is written in dark ink and is positioned above the typed name and title.

Acting Comptroller General
of the United States

Enclosures